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Judge: Hon. Timothy W. Dore  
Chapter: 12  
Hearing Date: May 3, 2023  
Hearing Time: 9:30 a.m.  
Response Date: \_\_\_\_\_

5 Attorneys for Secured Creditor 1 Sharpe Intermediate Trust, its successors and/or assigns

**UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
WASHINGTON DIVISION**

In re: ) Case No.: 22-11989-TWD  
 )  
**Robert Kruse and Laura Kruse,** ) Chapter 13  
 )  
Debtor(s). ) **OBJECTION TO CONFIRMATION**  
 ) **OF THE DEBTORS' PROPOSED**  
 ) **AMENDED CHAPTER 13 PLAN**  
 )  
 ) Judge: Hon. Timothy W. Dore  
 )  
 )

**TO THE HONORABLE TIMOTHY W. DORE, UNITED STATES BANKRUPTCY  
JUDGE; THE DEBTORS, AND DEBTORS' ATTORNEY OF RECORD; AND TO THE  
CHAPTER 13 TRUSTEE:**

17 Secured Creditor, 1 Sharpe Intermediate Trust, its successors and/or assignees (“Secured  
18 Creditor”), objects to confirmation of Robert Kruse and Laura Kruse (“**Debtors**”) proposed  
19 amended Chapter 13 Plan (the “Amended Plan”) filed on March 31, 2023 as Docket Number 35,  
20 and states:

21       1.     Secured Creditor holds a secured claim by virtue of that certain promissory Note  
22 dated June 2, 2021, which is secured by a Deed of Trust recorded on June 8, 2021, encumbering

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1 real property located at *506 Wellington Ave, Seattle, WA 98122* (“**Property2 copy of the Note and Deed of Trust are attached hereto as **Exhibits “A and B”**, respectively.**

3 2. The Deed of Trust was assigned to Movant (“**Assignment4 copy of the Assignment is attached hereto as **Exhibit “C”**.**

5 3. On December 14, 2022 (“**Petition Date6 under Chapter 13 of the United States Bankruptcy Code.**

7 4. On February 22, 2023, Secured Creditor timely filed its proof of claim (“**Claim8 as Claim Number 14-1 which reflects a total secured claim in the amount of \$978,808.61, and  
9 current arrearages due and owing in the amount of \$978,808.61. The loan matured on 01/01/2022.**

10 5. On March 31, 2023, the Debtor(s) filed the proposed amended Chapter 13 Plan as  
11 Docket Number 35.

12 6. Secured Creditor objects to confirmation of the Amended Plan on the grounds that  
13 it provides for no adequate protection for Secured Creditor. Rather than providing for payments  
14 to Secured Creditor, the Amended Plan instead proposes to file a lawsuit against Secured  
15 Creditor and/or file an objection to Secured Creditor’s Claim within twelve months of  
16 confirmation of the Amended Plan. Pursuant to 11 U.S.C. § 1326(a)(1)(C), within 30 days of  
17 filing the Amended Plan, the Debtor shall commence making payments in amount that would  
18 provide adequate protection to Secured Creditor “unless the court orders otherwise.” This Court  
19 has not ordered otherwise; in fact, it does not appear that Debtors have even applied for such an  
20 order. The Amended Plan provides for zero payments to Secured Creditor, and therefore Secured  
21 Creditor is not adequately protected.

22 7. Secured Creditor also objects to confirmation of the Amended Plan on the  
23 grounds that if Debtors intend to object to Secured Creditor’s Claim or file some sort of action

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1 against Secured Creditor or others, there is no reason why Debtors would need to wait 12 months  
2 to do so, particularly since Secured Creditor filed its proof of claim on February 22, 2023, more  
3 than two months ago. It is unclear why Debtors, if they intend to object to Secured Creditor's  
4 proof of claim, have not already done so.

5 **WHEREFORE**, Secured Creditor respectfully objects to confirmation of the proposed  
6 amended Plan and requests the following:

7 a. That confirmation of the proposed amended Chapter 13 Plan be denied;  
8 b. For attorney's fees and costs incurred herein;  
9 c. For such other and further relief that this Court deems just and proper.

10 Dated: April 26, 2023

11 **GHIDOTTI | BERGER LLP**

12 By: /s/ David Coats  
13 David Coats, Esq. SBN 47375  
14 Attorneys for Secured Creditor

15 **CERTIFICATE OF SERVICE**

16 On April 26, 2023, the foregoing documents described as *Objection to Confirmation of*  
17 *Debtor's' Proposed Amended Chapter 13 Plan* were served upon the following individuals,  
18 By electronic means through the Court's ECF program:

19 **COUNSEL(S) FOR DEBTOR(S)**

20 Kathryn P Scordato KATHRYN@SCORDATOLAW.COM

21 **CHAPTER 13 TRUSTEE**

22 Jason Wilson-Aguilar courtmail@seattlech13.com

23  
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1 By depositing true copies thereof in the United States mail at Santa Ana, California, enclosed in a  
2 sealed envelope, with postage paid, addressed as follows:

3 **DEBTOR(S)**

4 Robert Kruse  
5 506 Wellington Avenue  
6 Seattle, WA 98122

7 Laura Kruse  
8 506 Wellington Avenue  
9 Seattle, WA 98122

10 I declare under penalty of perjury under the laws of the United States of America that the  
11 foregoing is true and correct.

12 /s/ David Coats

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